IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.65171-M of 2006

Balwinder Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

Crl.Misc.No.69066-M of 2006

Ajay Pal Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

DATE OF DECISION: DECEMBER 12, 2006

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Ms.G.K.Mann, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

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This order shall dispose of two Crl.Misc.petitions bearing Crl.Misc.No.65171-M of 2006 filed by petitioner Balwinder Singh and Crl.Misc.No.69066-M of 2006 filed by petitioner Ajay Pal Singh for grant of regular bail in case FIR No.24 dated 6.2.2006 registered under Sections 307/302/324/323/148/149 IPC and Sections 25/27/54/59 of the Arms Act at Police Station Valtoha, District Tarn Taran.

I have heard the counsel for the parties and gone through the contents of the FIR.

As per the prosecution version, Gurpinder Singh is the main accused, who allegedly fired at deceased Bohar Singh, which hit on his abdomen due to which he died. In the said occurrence, petitioners Balwinder Singh and Ajay Pal Singh also alleged to have participated. Petitioner Balwinder Singh was armed with kirch and Ajay Pal Singh was armed with dang. Ajay Pal Singh is stated to have raised lalkara and gave a kick blow to

complainant Kulwinder Singh, whereas petitioner Balwinder Singh is stated to have caused three injuries by his kirch to complainant Kulwinder Singh. As per the M.L.R., all these injuries are simple in nature. Two accused, namely, Gurpinder Singh and Kala, who are stated to have caused injuries to the deceased, are in custody.

Counsel for the petitioners contends that both the petitioners are in custody since 10.2.2006. Till date, only one witness has been examined and thereafter an application under Section 319 Cr.P.C. was filed by the prosecution for summoning the additional accused. The said application has been allowed and the additional accused have been summoned. The prosecution has to examine 22 witnesses, which will take substantial time. Counsel for the respondent-State has not disputed the aforesaid factual position. The injuries attributed to the petitioners are simple in nature, which have been caused to the complainant. It has not been disputed that no injury has been caused by the petitioners to the deceased.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to both the petitioners, and they are accordingly ordered to be released on bail to the satisfaction of the trial Court.

December 12, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE